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CENTRAL FAX CENTER

MAR 02 2007

Application No. 10/758,914
Reply to Office Action of 03 November 2006

REMARKS

Claims 1-42 are pending in the application. Claim 7 is objected to, and claims 1-42 are rejected. Claims 1-6, 11, 22, 23, and 27 have been amended.

Formal Matters

Applicant expresses thanks to the Examiner for carefully reviewing the specification and claims. The Examiner requested capitalization of trademarks in the specification. The specification has been amended to address the Examiner's concerns. Claim 27 stands objected to for an informality. Claim 27 has been amended to correct this informality.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 2-6, 11, and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. Claims 2-6, 11, and 22 have been amended to address the Examiner's concerns.

Rejections Under 35 U.S.C. §102(b): May

Claims 1-12, 14, and 17 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,102,476 to May et al. ("May"). Applicant respectfully traverses this rejection.

Application No. 10/758,914
 Reply to Office Action of 03 November 2006

May does not show, teach, or suggest a video game cockpit comprising an adjustable pedal mount, as recited in claim 1. The Examiner asserts that element 47 of May reads on an adjustable pedal mount. (*Office Action, page 4*). However, May teaches that element 47 is a footrest, not a pedal mount. As shown in Fig. 3 of May, which is reproduced below, footrest 47 is not a pedal mount. Furthermore, even if a pedal could be mounted to footrest 47, which is not taught by May, it is unclear how a user sitting in chair 10 could operate a pedal mounted on footrest 47.

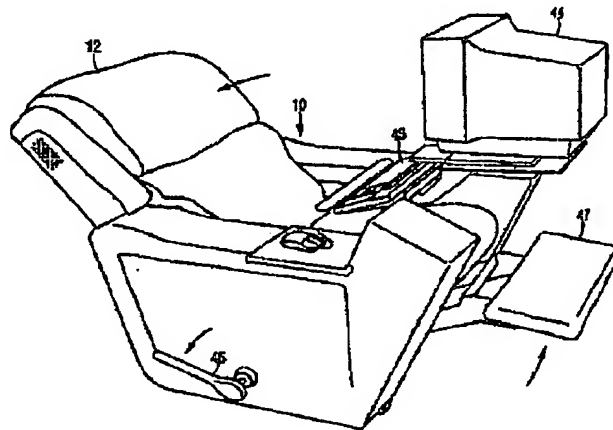


Fig. 3

Claim 1 distinguishes over May for at least the reason that May does not show, teach, or suggest an adjustable pedal mount. Thus, independent claim 1, as well as claims 2-12, 14, and 17, which depend from claim 1, are allowable over May. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(b) rejections based on May.

Application No. 10/758,914
Reply to Office Action of 03 November 2006

Rejections Under 35 U.S.C. §102(b): Brister

Claims 23, 24, 26, 29, and 30 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0011374A1 to Brister ("Brister"). Applicant traverses this rejection.

Brister does not show, teach, or suggest a portable video game cockpit, as recited in claim 23. The Examiner asserts that "Brister discloses a portable video game cockpit," but the Examiner does not provide any support to justify this assertion. (*Office Action, page 6*). Brister is directed to a motorized cart with a brush cage, not a portable video game cockpit. As noted in the specification on page 4, the term "video game" is used broadly to mean "an electronic or computerized game played by manipulating images on a video display or television monitor." However, Brister does not even mention the terms "video", "game", "computer", or any other term that suggests Brister's motorized cart could be used as a video game cockpit. Thus, Brister fails to disclose a video game cockpit.

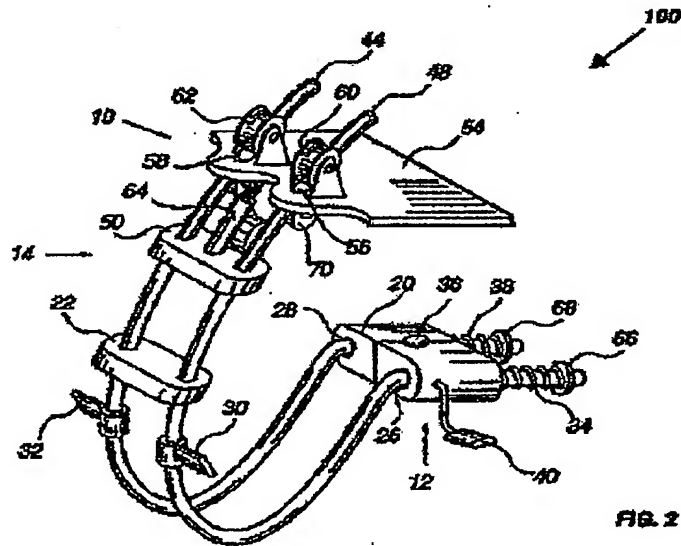
As Brister fails to show or teach a portable video game cockpit, Brister does not anticipate claim 23. Accordingly, independent claim 23, as well as claims 24, 26, 29, and 30, which depend from claim 23, are allowable over Brister. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(b) rejections based on Brister.

Application No. 10/758,914
 Reply to Office Action of 03 November 2006

Rejections Under 35 U.S.C. §102(e): Baru

Claims 1, 2, 4, 6, 7, 9, 12, 13, 15, 17, 39, and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0155493A1 to Baru ("Baru"). Applicant submits that amended claim 1 clearly distinguishes over Baru.

Claim 1 recites "an adjustable pedal mount attached to [a] framework of interconnected members." Baru does not show or teach an adjustable pedal mount attached to a framework of interconnected members. According to the Examiner, "Baru discloses a computer workplace, comprising . . . an adjustable pedal mount (44,48)." (*Office Action, page 8*). FIG. 2 of Baru, which is reproduced below, illustrates elements 44 and 48.



Application No. 10/758,914
Reply to Office Action of 03 November 2006

According to Baru, "The chassis 14 consists of at least one tubular, elongated support rail 44, bent into an arcuate form, and preferably of a pair of such rails 44, 48 arranged as parallel, two rails 44, 48 being held at a constant separation by the monitor support structure 10 and by seat connector 12 attached thereto." (*Paragraph 50*). While rails 44 and 48 may be attached to various elements (e.g., the monitor structure 10, the seat connector 12, and foot pedals 30 and 32), rails 44 and 48 are not attached to a framework of interconnected members. Indeed, Baru does not show, teach, or suggest a separate framework of interconnected members to which rails 44 and 48 could attach. In contrast, claim 1 recites both "a framework of interconnected members" and "an adjustable pedal mount attached to the framework of interconnected members." Thus, Baru fails to anticipate claim 1. Accordingly, independent claim 1, as well as claims 2, 4, 6, 7, 9, 12, 13, 15, and 17, which depend from claim 1, are allowable over Baru.

Baru also fails to anticipate independent claim 39. With respect to claim 39, the Examiner states, "Baru discloses of a method of making a video game cockpit for providing a support apparatus; attaching an adjustable pedal mount to the support apparatus; attaching an adjustable controller mount to the support apparatus; providing a monitor stand portion of the support apparatus; attaching a seat to the support apparatus. (page 2, paragraphs 32-35; page 4, paragraph 57)." (*Office Action, page 4*). Applicant disagrees.

Baru does not show or teach the steps of "attaching an adjustable pedal mount to a support apparatus" and "attaching an adjustable controller mount to a support apparatus," as recited in claim 39. Instead, Baru teaches a "chassis 14 [that] consists of at least one tubular, elongated support rail

Application No. 10/758,914
Reply to Office Action of 03 November 2006

44, bent into an arcuate form, and preferably of a pair of such rails 44, 48." (*Paragraph 50*). Under the Examiner's interpretation of Baru, the adjustable controller mount (chassis 14 of Baru, according to the Examiner) consists of the adjustable pedal mount (rails 44 and 48 of Baru, according to the Examiner). Thus, the Examiner is arguing that rails 44 and 48 read on both the adjustable pedal mount and the adjustable controller mount. The Examiner also contends that chassis 14 (*i.e.*, rails 44 and 48) anticipates the support apparatus of the claims. (*Office Action, page 8*). In other words, the Examiner is asserting that rails 44 and 48 anticipate each of the adjustable controller mount, the adjustable pedal mount, and the support apparatus.

Under the Examiner's interpretation, Baru's adjustable pedal mount cannot be attached to a support apparatus because the adjustable pedal mount *is* the support apparatus. Similarly, Baru's adjustable controller mount cannot be attached to the support apparatus because the adjustable controller mount *is* the support apparatus. Furthermore, Baru cannot anticipate separate steps of attaching adjustable pedal and controller mounts to a support apparatus because Baru's adjustable pedal mount *is* Baru's adjustable controller mount. Thus, Baru fails to show, teach, or suggest the steps of "attaching an adjustable pedal mount to the support apparatus" and "attaching an adjustable controller mount to the support apparatus," as recited in claim 39. Accordingly, independent claim 39 is allowable over Baru. Claim 40, which depends from claim 39, is allowable for at least the same reasons that claim 39 is allowable. Applicant therefore requests withdrawal of the 35 U.S.C. § 102 rejections based on Baru.

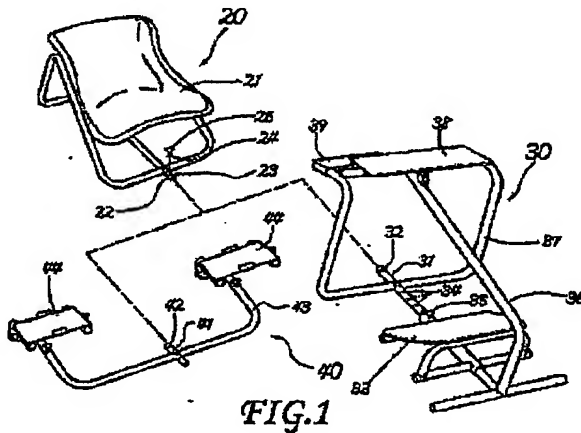
Application No. 10/758,914

Reply to Office Action of 03 November 2006

Rejections Under 35 U.S.C. §102(e): Masaya

Claims 1, 2, 6-9, 11, 12, 14, 18, 19, 34, 35, 37, and 38 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2005/0009611A1 to Masaya et al. ("Masaya"). Applicant traverses this rejection.

Masaya does not show or suggest an adjustable controller mount, as recited in claim 1. According to the Examiner, "Masaya discloses a video game cockpit, comprising . . . an adjustable controller mount (39, 44)." Applicant disagrees. Elements 39 and 44 of Masaya are support boards, as illustrated in FIG. 1 of Masaya below.



According to Masaya, “[T]he individual components can be assembled as shown in the FIGS. 2 through 4 to meet different requirements in playing different video games. In other words, the supporting boards 38, 39, 44 of the racing car cockpit assembly 30 and the fighter aircraft cockpit

Application No. 10/758,914
Reply to Office Action of 03 November 2006

assembly 40 can be easily disassembled and assembled by loosening or tightening the lock element 25 for achieving different application purposes." (*Paragraph 16*).

The Examiner is apparently arguing that the support boards of Masaya are adjustable controller mounts because seat assembly 20 may be attached to either cockpit assembly 30 (which contains support board 39) or cockpit assembly 40 (which contains support boards 44). However, the ability to switch between two different cockpit assemblies does not show, teach, or suggest that the support boards of those assemblies are adjustable. Furthermore, Masaya does not show, teach, or suggest that any of support boards 39 or 44 are adjustable. Since none of the support boards themselves are adjustable, none of the support boards are comparable to an adjustable controller mount.

Claim 1 distinguishes over Masaya for at least the reason that Masaya does not show, teach, or suggest an adjustable controller mount. The same reasoning applies with equal force to independent claims 18 and 34. Thus, independent claims 1, 18, and 34, as well as claims 2, 6-9, 11, 12, 14, 19, 35, 37, and 38, which depend from claims 1, 18, and 34, are allowable over Masaya. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(e) rejections based on Masaya.

Rejections Under 35 U.S.C. §102(e): Brasseal

Claims 23, 24, and 29 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0129489A1 to Brasseal et al. ("Brasseal"). Applicant traverses this rejection.

Application No. 10/758,914
Reply to Office Action of 03 November 2006

Brasseal does not show, teach, or suggest a portable video game cockpit, as recited in claim 23. The Examiner asserts that "Brasseal discloses a portable video game cockpit," but the Examiner does not provide any support to justify this assertion. (*Office Action, page 13*). Brasseal is directed to a sand rail vehicle, not a portable video game cockpit. As previously noted, the specification uses the term "video game" broadly to mean "an electronic or computerized game played by manipulating images on a video display or television monitor." However, Brasseal does not even mention the terms "video", "game", "computer", or any other term that suggests Brasseal's sand rail vehicle could be used as a video game cockpit. Thus, Brasseal fails to show, teach, or suggest a video game cockpit.

As Brasseal fails to show or teach a portable video game cockpit, Brasseal fails to anticipate claim 23. Accordingly, independent claim 23, as well as claims 24 and 29, which depend from claim 23, are allowable over Brasseal. Applicant therefore requests withdrawal of the 35 U.S.C. § 102(e) rejections based on Brasseal.

Rejections Under 35 U.S.C. §103

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over May in view of Brasseal. Claim 16 depends from claim 1 and is allowable for at least the same reasons that claim 1 is allowable.

Application No. 10/758,914
Reply to Office Action of 03 November 2006

Claims 20 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Masaya in view of Baru. Claims 20 and 22 depend from claim 18 and are allowable for at least the same reasons that claim 18 is allowable.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brister in view of U.S. Patent No. 6,142,877 to Nishimura ("Nishimura"). Claim 25 depends from claim 23 and is allowable for at least the same reasons that claim 23 is allowable.

Claims 21 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brasseal in view of Great Britain Patent No. GB 2389319A to Fen-Ying Lai ("Lai"). Claim 21 depends from claim 18 and is allowable for at least the same reasons that claim 18 is allowable. Claim 33 depends from claim 23 and is allowable for at least the same reasons that claim 23 is allowable.

Claims 26, 31, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brasseal in view of Masaya. Claims 26, 31, and 32 depend from claim 23 and are allowable for at least the same reasons that claim 23 is allowable.

Claims 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brister in view of U.S. Patent No. 5,992,809 to Sweere et al. ("Sweere"). Claims 27 and 28 depend from claim 23 and are allowable for at least the same reasons that claim 23 is allowable.

Claim 36 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Masaya in view of May. Claim 36 depends from claim 34 and is allowable for at least the same reasons that claim 34 is allowable.

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CENTRAL FAX CENTER

MAR 02 2007

Application No. 10/758,914
Reply to Office Action of 03 November 2006

Claims 41 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baru in view of May. Claims 41 and 42 depend from claim 39 and are allowable for at least the same reasons that claim 39 is allowable.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. Applicant invites the Examiner to contact the undersigned by telephone to expedite prosecution of the present application if there remain any unresolved issues.

Respectfully submitted,

Date: _____

2 March 2007



Grant Foster
Registration No. 33,236

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